

**STATE WATER CONTROL BOARD ENFORCEMENT ACTION**

**SPECIAL ORDER BY CONSENT**

**ISSUED TO**

**UNITED STATES MARINE CORPS  
MARINE CORPS BASE  
QUANTICO**

**FOR**

**QUANTICO MAINSIDE WASTEWATER TREATMENT PLANT  
(VPDES PERMIT NO. VA0028363)**

**SECTION A: Purpose**

This is a Consent Special Order issued under the authority of Va. Code §§ 62.1-44.15(8a) and 10.1-1185 between the State Water Control Board and the United States Marine Corps, Marine Corps Base, Quantico regarding the Quantico Mainside wastewater treatment plant and collection system for the purpose of resolving certain violations of the State Water Control Law and Regulations.

**SECTION B: Definitions:**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. “Va. Code” means the Code of Virginia (1950), as amended.
2. “Board” means the State Water Control Board, a permanent citizens’ board of the

Commonwealth of Virginia as described in Va. Code §§ 62.1-44.7 and 10.1-1184.

3. “Department” or “DEQ” means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1183.
4. “Director” means the Director of the Department of Environmental Quality.
5. “Order” means this document, also known as a Consent Special Order.
6. “Quantico or Permittee” means the United States Marine Corps, Marine Corps Base, Quantico.
7. “WWTP” means the Quantico Mainside WWTP located at the Quantico Marine Corps Base in Quantico, Virginia.
8. “NVRO” means the Northern Virginia Regional Office of DEQ, located in Woodbridge, Virginia.
9. “Permit” means Virginia Pollution Discharge Elimination System Permit No. VA0028363.

### **SECTION C: Findings of Fact and Conclusions of Law**

1. Quantico owns and operates the WWTP which discharges wastewater to an unnamed tributary of Quantico Bight in the Potomac River Basin. Discharges of wastewater are the subject of the Permit that was reissued on April 2, 2003, and expired on April 2, 2008.
2. The Board has evidence to indicate that Quantico has violated VPDES Permit Regulation 9 VAC 25-31-50.A by exceeding Permit effluent limitations in 2002, including phosphorus limits in February, April and May; and ammonia in April, June, and August. DEQ NVRO issued Quantico two Warning Letters and four Notices of Violation (“NOV”) for those exceedences as follows: WL No. W2002-04-N-1017 issued April 10, 2002; WL No. W2002-05-N-1001 issued May 10, 2002; NOV No. W2002-05-N-0014 issued June 6, 2002; NOV No. W2002-06-N-005 issued July 1, 2002; NOV No. W2002-07-N-0004 issued August 2, 2002; and NOV No. W2002-09-0005 issued October 4, 2002.

In addition, the Board has evidence to indicate that Quantico has violated the Permit for failure to request a Certificate to Operate after completion of WWTP rehabilitation and upgrade; and failure to submit monitoring results and a Permit application within 180 days

before the expiration of the existing Permit. DEQ issued Quantico four NOV's for these alleged Permit violations as follows: NOV No. W2002-08-N-0011 issued September 9, 2002; NOV No. W2002-11-N-0002 issued November 4, 2002; NOV No. W2002-12-N-002 issued December 11, 2002; and NOV No. W2003-01-N-0003 issued January 6, 2003.

3. DEQ staff met with Quantico staff on July 10, 2002, to discuss outstanding compliance issues related to the operation and performance of the WWTP. As a result of the discussions at the meeting, Quantico implemented the corrective measures described below which have resulted in improved WWTP performance and consistent compliance with Permit effluent limits for phosphorus and ammonia.
4. Prior to June 2002, the WWTP received backwash discharge from the Quantico water treatment plant ("WTP"). The discharge's high phosphorus content caused the WWTP to exceed its Permit effluent limit for phosphorus in February, April, and May 2002. Quantico corrected the problem by temporarily diverting the WTP's backwash effluent to the Quantico Industrial outfall 003 and increasing the WWTP's sludge wasting rate. The backwash effluent is now pumped to a holding tank, and then to the WWTP where it is treated with chemical addition.
5. The WWTP exceeded Permit effluent limits for ammonia in April, June, and August 2002, in part, because of the hot summer weather. Quantico has corrected the problem by enhancing the WWTP's aeration system, including installation of two new air blowers at the aeration basins.
6. Also at the July 10, 2002 meeting, DEQ requested that Quantico submit to DEQ for review and comment within 60 days of the meeting a plan and schedule for implementing corrective measures to eliminate chronic overflows from the WWTP collection system. In the recent past, overflows of untreated sewage from the WWTP's collection system have become a chronic problem. The majority of the overflows occur in Quantico's Lyman Park housing development where the collection system is comprised of 50-year old gravity sewers installed on flat gradients and constructed of either vitrified clay or asbestos cement. The overflows are due, in large part, to blockages caused by grease that has accumulated in the gravity sewers.
7. Overflows from the WWTP's collection system that exceeded 1000 gallons in volume during the past 14 months include: 7000 gallons on January 14, 2002, caused by blocked lines in Lyman Park; 5400 gallons on February 19, 2002, caused by blocked lines in Lyman Park; 2300 gallons on March 20, 2002, caused by blocked lines in Lyman Park; 5000 gallons on May 10, 2002, caused by blocked lines at the Officer's Candidate

School; 1280 gallons on June 2, 2002, caused by blocked lines in Lyman Park; 2000 gallons on July 21, 2002, caused by blocked lines near Lyman Park; 1000 gallons on July 30, 2002, caused by blocked lines Pump Station 2172; 140,000 gallons on July 30, 2002, caused by blocked lines at the Brig; and 2000 gallons on November 19, 2002, caused by blocked lines at the WWTP's equalization basin; and 2000 gallons on November 19, 2002, caused by blocked lines in the Thomason Park housing development.

8. The volume of untreated sewage from the above-listed overflows that may have reached State waters is uncertain, as are any impacts. Some or all of the untreated sewage from overflows that occurred in the Lyman Park area may have entered Chopawamsic Creek. Some or all of the untreated sewage from overflows that occurred at the Officer's Candidate School, Pump Station 2172, Thomason Park, the Brig, and the WWTP's equalization basin may have entered the Potomac River.
9. On September 11, 2002, Quantico submitted to DEQ a plan and schedule for implementing corrective measures to eliminate chronic overflows from the WWTP collection system. Pursuant to the plan and schedule, Quantico hired a line-cleaning service to clear the sewer lines in Lyman Park on August 2 and Thomason Park on August 23, 2002, and awarded a contract for routine cleaning of sewer lines on September 27, 2002. Also pursuant to the plan and schedule, Quantico, in Commanding General's Policy Letter 1-02 regarding sewage spill response, reporting, and management issued August 23, 2002, adopted a policy of "preventing overflows to the maximum extent possible by aggressively maintaining both the collection system and the wastewater treatment plants." Additional, on-going preventative maintenance items and equipment repairs included in the plan and schedule are incorporated into Appendix A of this Order.
10. Finally, the Permit required that Quantico rehabilitate and upgrade the WWTP to achieve compliance with final Permit effluent limits by April 3, 2002, in accordance with the Policy for Potomac River Embayments. On August 30, 2002, Quantico notified DEQ that the WWTP's upgrade was substantially completed in accordance with approved plans and specifications and requested a Certificate to Operate for the upgraded facility. Quantico submitted Appendix A monitoring on October 22, 2002, and a completed Permit application on January 10, 2003.

#### **SECTION D: Agreement and Order**

Accordingly the Board, by virtue of the authority granted it in Va. Code § 62.1-44.15(8a) orders Quantico, and Quantico agrees, to perform the actions described in Appendix A of this Order.

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of Quantico, for good cause shown by Quantico, or on its own motion after notice and opportunity to be heard.
2. This Order addresses and resolves those violations specifically identified herein, including those matters addressed in the Warning Letters issued on April 10 and May 10, 2002, and NOV's issued on June 6, July 1, August 2, September 9, October 4, November 4, December 11, 2002, and January 3, 2003, as identified above in paragraph C2. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Quantico admits the jurisdictional allegations but not the factual findings, and conclusions of law contained herein.
4. Quantico declares it has received fair and due process under the Administrative Process Act, Va. Code § 2.2 - 4000 *et seq.*, and the State Water Control Law, and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
5. Failure by Quantico to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
6. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
7. Quantico shall be responsible for its failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Quantico shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part.

Quantico shall notify the DEQ Regional Director of NVRO in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order.

Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which Quantico intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

8. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
9. This Order shall become effective upon execution by both the Director or his designee and Quantico. Notwithstanding the foregoing, the Quantico agrees to be bound by any compliance date which precedes the effective date of this Order.
10. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Quantico. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Quantico from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
11. By its signature below, the Quantico voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of \_\_\_\_\_, 2003.

\_\_\_\_\_

Robert G. Burnley, Director  
Department of Environmental Quality

Quantico voluntarily agrees to the issuance of this Order.

By: \_\_\_\_\_

Date: \_\_\_\_\_

Commonwealth of Virginia  
City/County of \_\_\_\_\_

The foregoing document was signed and acknowledged before me this \_\_\_\_ day of

\_\_\_\_\_, 2003 by \_\_\_\_\_, who is  
(name)

\_\_\_\_\_ on behalf of Quantico.  
(title)

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_.

## **APPENDIX A SCHEDULE OF COMPLIANCE**

Quantico agrees to:

1. Implement the sanitary sewer overflow (“SSO”) plan and schedule submitted by Quantico on September 11, 2002, and revised on March 19, 2003, including monthly cleaning and flushing of the collection system sewer lines in the Lyman Park and Thomason Park housing developments; quarterly cleaning and flushing of the collection system sewer lines in the 2700 block of the Argonne Hills area; and cleaning of the 13 grease traps located at Base Food service facilities either quarterly or annually as designated in the revised SSO plan and schedule to be submitted under item two below. Also in accordance with the SSO plan and schedule, Quantico shall provide for annual cleaning and flushing of up to an additional 30,000 linear feet of 8-inch pipe and 5000 feet of 10-inch pipe within the collection system where needed and shall notify DEQ of the collection system location chosen for annual cleaning and flushing within two weeks of completing the project;
2. By May 1, 2003, submit a revision to the SSO plan and schedule that includes a description of the location, size and use of the 13 grease traps at the Base food service facilities and whether the greasetrap is cleaned quarterly or annually;
3. By September 30, 2003, complete in-house repairs of the WWTP’s diversion pumps. If repairs cannot be completed in-house but instead require the services of an outside contractor, develop contract scope and cost estimate for services; award contract, and complete repairs by November 30, 2003; and
4. By June 15, 2003, submit to DEQ a collection system inventory that includes, at a minimum, the number of manholes, cleanouts, and pump stations in the collection system, as well as the total linear feet of pipe in the system.